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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

PATENT

Attorney Docket No.: 1043.001

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventors: Stephen L. Biracree, Azzedine Touzni, Thomas J. Endres,  
Christopher H. Strolle, Samir N. Hulyalkar and Raúl A. CasasFor: Blind Cost Criterion Timing RecoveryENCLOSED ARE:

- ☒ Check in the amount of \$575.00
- ☒ New Application Transmittal (orig. & 2 copies)
- ☒ Combined Declaration and Power of Attorney (3 pages)
- ☒ Recordation Form (PTO-1595) Cover Sheet (1 page)
- ☒ Assignment (6 pages)
- ☐ Certified Copy of Priority Document ( pages)
- ☒ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (1 page)
- ☒ Patent Application with Informal Drawings (1 Cover Page; 25 Pages of Specification; 8 Pages of Claims; 1 Page of Abstract; 12 Sheet of Drawings)
- ☒ Information Disclosure Statement with PTO-1449 (4 pages) and 8 References.

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Certification Under 37 CFR 1.10"Express Mail" Mailing Label No. EL553646735USDate of Deposit 1/17/01

I hereby certify that this paper or fee is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mary E. Caniz  
(Name of person mailing)Mary E. Caniz  
(Signature of person mailing)

BENEFIT OF PRIOR FOREIGN APPLICATION (35 USC 119):

- ☒ Not Applicable.
- ☐ In accordance with 35 U.S.C. § 119, applicants hereby claims the benefit of the filing date of a prior foreign application, namely:
- \_\_\_\_\_ Application No. \_\_\_\_\_ Filed: \_\_\_\_\_
- ☐ In support of this claim, a certified copy of the aforementioned application is submitted herewith.

BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION (35 USC 119(e)(i))

- ☐ Not Applicable.
- ☒ In accordance with 35 U.S.C. § 119(e)(i), applicants hereby claim the benefit of the filing date of a prior U.S. provisional application, namely:
- U.S. Application No. 60/242,306 Filed: 10/20/00

BENEFIT OF PRIOR U.S. APPLICATION (35 USC 120):

- ☒ Not Applicable.
- ☐ In accordance with 35 U.S.C. § 120, applicants hereby claims the benefit of the filing date of a prior U.S. application, namely:
- U.S. Application No. 08/ Filed: \_\_\_\_\_

ASSIGNMENT:

- ☒ An Assignment of the invention to NxtWave Communications, a Delaware corporation having a mailing address of One Summit Square, Route 413 & Doublewoods Road, Langhorne, Pennsylvania 19047, is enclosed.

INVENTORSHIP STATEMENT:

- ☒ The inventorship for all the claims in this application is the same.
- ☐ The inventorship for all the claims in this application is not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made:
- ☐ is submitted.
- ☐ will be submitted, if necessary under 37 CFR 1.110.

SMALL ENTITY STATUS

- ☒ Applicant claims small entity status under 37 CFR 1.27.

CLAIMS AS FILED:

	No. Filed	Basic	No. Extra	Small Entity	Large Entity	Small Entity Basic Fee \$ 355	Large Entity Basic Fee \$ 710
Total Claims:	<u>40-</u>	<u>20 =</u>	<u>20 x</u>	<u>\$ 9</u>	<u>\$ 18 =</u>	<u>\$ 180</u>	<u>\$ 0</u>
Independent Claims:	<u>3-</u>	<u>3 =</u>	<u>0 x</u>	<u>\$ 40</u>	<u>\$ 80 =</u>	<u>\$ 0</u>	<u>\$ 0</u>
Multiple dependent claims:				<u>\$135</u>	<u>\$270 =</u>	<u>\$ 0</u>	<u>\$ 0</u>
Filing Fee Calculation:						<u>\$ 535</u>	<u>\$ 0</u>

FEE PAYMENT BEING MADE AT THIS TIME:

☒ Basic Filing Fees \$ 535  
☒ Assignment \$ 40  
TOTAL FEES ENCLOSED: \$ 575

METHOD OF PAYMENT OF FEES:

- ☒ A check in the amount of \$575.00 to cover the filing fee and the assignment fee.
- ☐ Please charge my Deposit Account No. 50-0782 in the amount of \$ \_\_\_\_\_. A triplicate copy of this sheet is enclosed.

AUTHORIZATION TO CHARGE ADDITIONAL FEES:

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-0782. Two copies of this transmittal are enclosed.

- ☒ Any additional filing fees required under 37 CFR §1.16 and 37 CFR§1.17.

PLEASE DIRECT ALL CORRESPONDENCE TO:

Steve Mendelsohn  
Mendelsohn & Associates, P.C.  
1515 Market Street, Suite 715  
Philadelphia, Pennsylvania 19102

Date: January 17, 2001  
Customer No. 22186  
Mendelsohn & Associates, P.C.  
1515 Market Street, Suite 715  
Philadelphia, Pennsylvania 19102

Respectfully submitted,

*Ian M. Hughes*  
Ian M. Hughes  
Registration No. 41,083  
Attorney for Applicant  
(215) 557-6659



22186

PATENT TRADEMARK OFFICE

**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. 1043.001

In re application of: Stephen L. Biracree, Azzedine Touzni, Thomas J. Endres,  
Christopher H. Strolle, Samir N. Hulyalkar and Raúl A. Casas

Serial No.: Not yet assigned  
Filed: Not yet assigned

Group No.: Not yet known  
Examiner: Not yet known

For: Blind Cost Criterion Timing Recovery

**REQUEST AND CERTIFICATION UNDER**  
**35 U.S.C. 122(b)(2)(B)(i)**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Respectfully submitted,

Date: January 17, 2001  
Customer No. 22186  
Mendelsohn & Associates, P.C.  
1515 Market Street, Suite 715  
Philadelphia, Pennsylvania 19102

Ian M. Hughes  
Ian M. Hughes  
Registration No. 41,083  
Attorney for Applicant  
(215) 557-6659

\* \* \* \* \*

Certification Under 37 CFR 1.8Date of Deposit 1/17/01.

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mary E. Caniz  
(Name of person mailing)

Mary E. Caniz  
(Signature of person mailing)

APPLICATION FOR UNITED STATES LETTERS PATENT

FOR

**BLIND COST CRITERION TIMING RECOVERY**

Inventors: Stephen L. Biracree  
Azzedine Touzni  
Thomas J. Endres  
Christopher H. Strolle  
Samir N. Hulyalkar  
Raúl A. Casas

Prepared by: Mendelsohn & Associates, P.C.  
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\* \* \* \* \*

Certification Under 37 CFR 1.10

"Express Mail" Mailing Label No. EL553646735US

Date of Deposit 1/17/01

I hereby certify that this document is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Mary E. Caniz

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